



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2745

by Rep. Steven Andersson

SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2.1-1
65 ILCS 5/1-2.1-2
65 ILCS 5/1-2.1-9.5 new
65 ILCS 5/1-2.2-10
65 ILCS 5/1-2.2-65 new

Amends the Illinois Municipal Code. Provides that the division regarding administrative adjudications is applicable to municipalities that are both home rule and non-home rule units (rather than to just home rule units). Repeals the Code Hearing Departments Division concerning code hearing departments in non-home rule units of local government 90 days after the effective date of this amendatory Act. Provides that 90 days after the effective date of this amendatory Act all code hearing departments formed under the repealed division shall conduct code enforcement, hearings, and all actions in accordance with the provisions of the Administrative Adjudications division. Further provides for other changes allowing code enforcement departments created under the Code Hearing Departments Division to operate pursuant to the Administrative Adjudications division. Effective immediately.

LRB099 06857 AWJ 26935 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Sections 1-2.1-1, 1-2.1-2, and 1-2.2-10 and by adding
6 Sections 1-2.1-9.5 and 1-2.2-65 as follows:

7 (65 ILCS 5/1-2.1-1)

8 Sec. 1-2.1-1. Applicability. This Division 2.1 applies
9 only to municipalities that are both home rule units and
10 non-home rule units.

11 (Source: P.A. 90-516, eff. 1-1-98.)

12 (65 ILCS 5/1-2.1-2)

13 Sec. 1-2.1-2. Administrative adjudication of municipal
14 code violations. Any municipality may provide by ordinance for
15 a system of administrative adjudication of municipal code
16 violations to the extent permitted by the Illinois
17 Constitution. A "system of administrative adjudication" means
18 the adjudication of any violation of a municipal ordinance,
19 except for (i) proceedings not within the statutory ~~or the home~~
20 ~~rule~~ authority of municipalities; ~~and~~ (ii) any offense under
21 the Illinois Vehicle Code or a similar offense that is a
22 traffic regulation governing the movement of vehicles and

1 except for any reportable offense under Section 6-204 of the
2 Illinois Vehicle Code; and (iii) that non-home rule units'
3 adjudication of building code violations must be adjudicated
4 pursuant to Division 31.1 of Article 11 of this Act.

5 (Source: P.A. 90-516, eff. 1-1-98.)

6 (65 ILCS 5/1-2.1-9.5 new)

7 Sec. 1-2.1-9.5. Impact on existing ordinances and code
8 hearing departments.

9 (a) On or after the effective date of this amendatory Act
10 of the 99th General Assembly, code hearing departments created
11 under Division 2.2 of this Article may obtain judgments on
12 liens as allowed in this Division 2.1.

13 (b) 90 days after the effective date of this amendatory Act
14 of the 99th General Assembly the following shall occur:

15 (1) All code hearing departments created pursuant to
16 Division 2.2 of this Article shall conduct code
17 enforcement, hearings, and all other actions in accordance
18 with the provisions of this Division 2.1.

19 (2) Any ordinances adopted and code hearing
20 departments created under Division 2.2 of this Article
21 shall be considered adopted and created pursuant to this
22 Division 2.1.

23 (3) Any hearing officer who was qualified pursuant to
24 Division 2.2 of this Article shall be considered qualified
25 as a hearing officer under this Division 2.1.

1 (4) Any person authorized to issue code violations
2 pursuant to Division 2.2 of this Article shall have full
3 authority to administer municipal code violations pursuant
4 to this Division 2.1.

5 (65 ILCS 5/1-2.2-10)

6 Sec. 1-2.2-10. Code hearing department. The corporate
7 authorities of any municipality may adopt this Division and
8 establish a code hearing department within an existing code
9 enforcement agency or as a separate and independent agency in
10 the municipal government. The function of the hearing
11 department is to expedite the prosecution and correction of
12 code violations in the manner set forth in this Division.

13 The code hearing department may adjudicate any violation of
14 a municipal ordinance except for (i) building code violations
15 that must be adjudicated pursuant to Division 31.1 of Article
16 11 of this Act and (ii) any offense under the Illinois Vehicle
17 Code or similar offense that is a traffic regulation governing
18 the movement of vehicles and except for any reportable offense
19 under Section 6-204 of the Illinois Vehicle Code.

20 However, no municipality may enact any new ordinances
21 creating or modifying a code hearing departments pursuant to
22 this Division after the effective date of this amendatory Act
23 of the 99th General Assembly.

24 (Source: P.A. 90-777, eff. 1-1-99.)

1 (65 ILCS 5/1-2.2-65 new)

2 Sec. 1-2.2-65. Repeal. This Division shall be repealed 90
3 days after the effective date of this amendatory Act of the
4 99th General Assembly.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.